

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

LAWRENCE SIMMONS, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                      **Civil Action No. CV 05-S-203-M**  
                        )  
                        )  
**SHERIFF MAC HOLCOMB,**       )  
**INVESTIGATOR STAN BAGGETT,** )  
**DISTRICT ATTORNEY STEVEN T.** )  
**MARSHALL, JUDGE DAVID**       )  
**EVANS, and ATTORNEY DALE**   )  
**FULLER,**                )  
                        )  
**Defendants.**           )

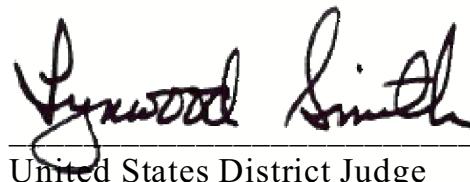
**ORDER**

The magistrate judge filed a report and recommendation on April 13, 2005, recommending that all of plaintiff's claims against defendants Marshall, Evans, and Fuller be dismissed. It was further recommended that plaintiff's claims against Holcomb and Baggett be referred to the magistrate judge for further proceedings. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED,

and DECREED that all of plaintiff's claims in this action except the claims against Sheriff Mac Holcomb and Stan Baggett are DISMISSED pursuant to 28 U.S.C. § 1915A(b). It is further ORDERED that the claims against Holcomb and Baggett are REFERRED to the magistrate judge for further proceedings.

DATED this 15th day of August, 2005.



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Lynnwood Smith  
United States District Judge